

ORDINANCE NO. _____

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF CAVE SPRINGS, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF CAVE SPRINGS CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of the City of Cave Springs, Arkansas, finds that the annexation of certain hereinafter described territory, contiguous to the City of Cave Springs, is necessary for the orderly growth and development of the City; and

WHEREAS, the City Council further finds that the property meets one or more of the following criteria for annexation found in A.C.A. 14-40-302: the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary; the lands are platted and held for sale or use as municipal lots; whether platted or not, the lands are held to be sold as suburban property; or the lands are valuable by reason of their adaptability for prospective municipal uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAVE SPRINGS, ARKANSAS:

SECTION 1. That there shall be submitted to the qualified electors of the City of Cave Springs and of the following described area, the question of the annexation of the following described territory to the City of Cave Springs:

All unincorporated territory in: the E $\frac{3}{4}$ of the N $\frac{1}{2}$ of S24, T19N, R31W; the SW $\frac{1}{4}$ of S24, T19N, R31W; the SE $\frac{1}{4}$ of S23, T19N, R31W; the E $\frac{1}{2}$ of S26, T19N, R31W; the S $\frac{1}{2}$ of the W $\frac{1}{4}$ of S25, T19N, R31W; the E $\frac{1}{2}$ of S35, T19N, R31W; the W $\frac{1}{4}$ of S36, T19N, R31W; and the E $\frac{1}{2}$ of S2, T18N, R31W, in Benton County, Arkansas.

A map depicting said annexation area is attached hereto as Exhibit A and made a part hereof.

SECTION 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a special election to be held on Tuesday, November 8, 2016. The City Recorder shall immediately notify the Benton County Election Commission and the Benton County Clerk by forwarding to each, a certified copy of this ordinance and the map showing the area to be annexed.

SECTION 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory included within the corporate limits of the City of Cave Springs thirty (30) days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records, and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit

Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

SECTION 4. No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area.

SECTION 5. The city recorder shall give notice of the election by publication by at least one (1) insertion in some newspaper having a general circulation in the city.

SECTION 6. If the annexation is approved and becomes final, the governing body of the city shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one (1) or more wards of the city lying adjacent thereto, and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city.

SECTION 7. If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years:

SERVICE	DATE
Police Protection	Immediately
Fire Protection	Immediately
Code Enforcement	Immediately
Zoning	Immediately
Solid Waste Service	Immediately
Street Maintenance	Immediately

The schedule of services shall be included in the annual written report required by A.C.A. 14-40-2201.

SECTION 8. The ballots used at said election on the question of annexation shall be marked as follows:

[] FOR annexation of the territory described in Ordinance No. ____.

[] AGAINST annexation of the territory described in Ordinance No. ____.

SECTION 9. Should any of the property described herein no longer be legally available for annexation at the time of the election, this ordinance and the ballot shall be construed to refer only to the remaining legally annexable area.

SECTION 10. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, as well as compliance with

special election statutes, an emergency is hereby declared to exist and this ordinance shall be effective and in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS ____ DAY OF _____, 2016.

Mayor

ATTEST:

City Recorder

CERTIFICATE

I, _____, City Recorder of the City of Cave Springs, hereby certify that this ordinance was duly passed and approved by a two-thirds vote of the total number of members the City Council of the City of Cave Springs, Arkansas, on the ____ day of _____, 2016.

Seal

City Recorder
City of Cave Springs